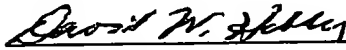


---

**CERTIFICATION OF FACSIMILE TRANSMISSION**

I hereby certify that this paper is being filed with Dianne Maggard of the United States Patent and Trademark Office by facsimile transmission on November 22, 2005 to facsimile telephone number (571) 273-0300.

41.071



David W. Hibler

(Reg. No.)

---

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

---

Appellant(s):	Turner, Jr. and Mathur	Group Art Unit:	1646
Application No.:	09/714,883	Appeal No.:	2005-2387
Filed:	11/16/2000	Examiner:	O. Chernyshev
Title:	Novel Human Secreted Proteins and Polynucleotides Encoding the Same	Atty. Docket No.:	LEX-0092-USA

---

**WITHDRAWAL OF APPEAL**

**Mail Stop Appeal Brief - Patents**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Appellants acknowledge receipt of the Decision on Appeal ("the Decision") in the above-referenced matter, mailed on September 23, 2005, which has been carefully reviewed and studied. While Appellants maintain their disagreement with the rejections set forth by the Examiner, and do not agree with the decision of the Board "affirm[ing] the examiner's rejection of claims 1-3" (the Decision at page 8), Appellants hereby withdraw the present appeal (Appeal No. 2005-2387), entirely without prejudice and without disclaimer, in order to pursue claims in a continuing application, which was filed on November 22, 2005.

Appellants believe that no fees are due in connection with this request. However, the Commissioner is authorized to charge any required fees to Deposit Account No. 50-0892.

Respectfully submitted,

November 22, 2005

Date



David W. Hibler  
Agent for Appellants

Reg. No. 41,071

Customer # 24231

LEXICON GENETICS INCORPORATED  
8800 Technology Forest Place  
The Woodlands, TX 77381  
(281) 863-3399

8800 Technology Forest Place  
The Woodlands, TX 77381  
Phone: 281-863-3399  
Fax: 281-863-3335

**Lexicon Genetics  
Incorporated**

# Fax

**To:** Dianne Maggard  
Board of Patent Appeals and Interferences

**From:** David W. Hibler *DWH*  
Reg. No. 41,071  
Agent for Appellants

---

**Fax:** 571-273-0300

**Date:** November 22, 2005

---

**Phone:**

**Pages:** 3 (including coversheet)

---

**Re:** Appeal No. 2005-2387  
Application Serial Number: 09/714,883  
Atty. Dkt. No. LEX-0092-USA

**CC:** File

---

**•Comments:**

Please find attached a Withdrawal of Appeal No. 2005-2387. Please contact me at the number shown above if there are any questions.